

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

WILLIE ROBINSON #427705,

Plaintiff,

Case No. 05-70751

v.

District Judge Gerald E. Rosen  
Magistrate Judge R. Steven Whalen

WAYNE COUNTY JAIL, et al.,

Defendants.

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**ORDER DENYING MOTION TO COMPEL DISCOVERY  
AND STAYING DISCOVERY**

Before the Court is Plaintiff's Motion to Compel Discovery [Doc. #22]. The Court has reviewed this Motion, along with Defendants' response. The Defendants' Motion for Summary Judgment [Docket #21] is presently pending. That Motion raises the issues of qualified immunity and failure to exhaust administrative remedies as required by the Prison Litigation Reform Act (PLRA), 42 U.S.C. §1997e(a). Exhaustion under the PLRA is a preliminary matter that should be decided at the very outset of the litigation. In addition, the question of qualified immunity can be raised at the pleading stage of the litigation (as it was in this case), and if it is, discovery should be stayed until the qualified immunity issue is resolved. *English v. Dyke*, 23 F.3d 1086, 1089 (6<sup>th</sup> Cir. 1994).

Accordingly, Plaintiff's Motion to Compel Discovery [Doc. #22] is DENIED, and

further discovery is STAYED pending the resolution of Defendants' Motion for Summary Judgment.

SO ORDERED.

S/R. Steven Whalen  
R. STEVEN WHALEN  
UNITED STATES MAGISTRATE JUDGE

Dated: July 7, 2006

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served on the attorneys and/or parties of record by electronic means or U.S. Mail on July 7, 2006.

S/G. Wilson  
Judicial Assistant